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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

LAVRENTI LITVINOFF  
23821 Hillhurst Drive #43  
Laguna Niguel, CA 92677

Physical Therapy License No. PT6710

Respondent.

Case No. 1D-2006-64678

OAH No.

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 7, 2006, Complainant Steven K. Hartzell, in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs, filed Accusation No. 1D-2006-64678 against Lavrenti Litvinoff (Respondent) before the Physical Therapy Board of California.

2. On or about March 26, 1974, the Physical Therapy Board of California (Board) issued Physical Therapy License No. PT6710 to Respondent. The Physical Therapy License expired on February 28, 2006, and has not been renewed.

3. On or about November 7, 2006, Christina Metzen, an employee of the Complainant Agency, served by Certified Mail a copy of the Accusation No. 1D-2006-64678, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which

1 was and is 23821 Hillhurst Drive #43, Laguna Niguel, CA 92677. Additionally, Christina  
2 Metzen also served by Certified Mail a copy of the Accusation No. 1D-2006-64678, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's last known address at P.O. Box 6284, Laguna Niguel, CA  
5 92677. A true and correct copy of the Accusation, the related documents, and Declaration of  
6 Service are attached as exhibit A, and are incorporated herein by reference.

7           4.       Service of the Accusation was effective as a matter of law under the  
8 provisions of Government Code section 11505, subdivision (c), and *Evans v. Department of*  
9 *Motor Vehicles* (1994) 21 Cal.App.4th 958, which held in pertinent part: “where a party is  
10 required to file his or her address with an agency, service by certified mail ‘shall be effective if a  
11 certified letter containing the accusation and accompanying material is mailed, addressed to the  
12 party at the latest address on file with the agency.’”

13           5.       On or about November 27, 2006, the aforementioned documents which  
14 were served on the Respondent at his address of record with the Board, 23821 Hillhurst Drive  
15 #43, Laguna Niguel, CA 92677, were returned by the U.S. Postal Service marked "Unclaimed."  
16 A copy of the postal returned documents are attached hereto as exhibit B, and are incorporated  
17 herein by reference.

18           6.       On or about November 30, 2006, a domestic return receipt for the  
19 documents which were delivered to Respondent at his last known address, P.O. Box 6284,  
20 Laguna Niguel, CA 92667 was returned to the Board by US Postal Service. A true and correct  
21 copy of the domestic return receipt is attached hereto as exhibit C, and is incorporated herein by  
22 reference.

23           7.       Business and Professions Code section 118 states, in pertinent part:

24           "(b) The suspension, expiration, or forfeiture by operation of law of a license  
25 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
26 board or by order of a court of law, or its surrender without the written consent of the board, shall  
27 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
28 board of its authority to institute or continue a disciplinary proceeding against the licensee upon

any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

8. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

9. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 1D-2006-64678.

10. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits A, B and C, finds that the allegations in Accusation No. 1D-2006-64678 are true.

#### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Lavrenti Litvinoff has subjected his Physical Therapy License No. PT6710 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Physical Therapy Board of California is authorized to revoke Respondent's Physical Therapy License based upon the following violations alleged in the Accusation:

1 a. Business and Professions Code section 141, out of state discipline.

2 ORDER

3 IT IS SO ORDERED that Physical Therapy License No. PT6710, heretofore  
4 issued to Respondent Lavrenti Litvinoff, is revoked.

5 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
6 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
7 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
8 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
9 statute.

10 This Decision shall become effective on April 11, 2007.

11 It is so ORDERED March 12, 2007

12  
13 Original Signed By: Nancy Krueger, PT  
14 FOR THE PHYSICAL THERAPY BOARD OF  
15 CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS

16 Attachments:

17 Exhibit A: Accusation No.1D-2006-64678, Related Documents, and Declaration of Service  
18 Exhibit B: Envelope, Accusation and associated documents mailed to Respondent's address  
of Record, which were returned unclaimed.  
19 Exhibit C: Certified Mail Receipt for Accusation and associated documents mailed to  
Respondent's last known address.

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21 DOJ docket number:LA2006502755  
22 Litvinoff Default Decision.wpd  
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